S.B. CIVIL WRIT PETITION NO. 861/1995.
(CHAND MAL MAHATMA Vs. STATE OF RAJASTHAN & Ors.)

DATE OF ORDER : 29.01.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. S.N. Trivedi, for the petitioner

By an advertisement Annexure-1 the Registrar, Gandhi Vidya Mandir invited applications for eligible and desirous candidates to be considered for the purpose of appointment to the post of Principal, Post Graduate Basic Teachers Training College. The essential qualification prescribed to be considered for appointment to the post referred above was as follows :-

> "Pay Scale 3700-5000
> Essential Qualifications: (a) A doctorate degree in Education with at least a Second Class (C in the Seven point scale) Masters degree in education and also a Master's degree in relevant subject (10+2 level) from an Indian University or an equivalent degree from a foreign university (b) Atleast 15 years professional experience of teaching / Educational Administration Research out of which atleast five years should be as teacher of M.Ed. Classes."

The petitioner in pursuant to the advertisement Annexure-1 submitted an application, however, the respondents selected the respondent No.6 for appointment as Principal,

Institute of Advance Studies in Education. Being aggrieved by the same, the petition for writ has been preferred.

The contention of the petitioner is that the respondent No.6 was not possessing requisite experience that is prescribed as essential qualification under the advertisement Annexure-1. The petitioner, therefore, has claimed for writ in the nature of quo warranto to oust respondent No.6 from the office of Principal, Institute of Advance Studies in Education and also sought a direction to consider his candidature for the purpose of appointment on the post of referred above.

No reply to the writ petition has been filed on behalf of the respondents.

It is fairly stated by the learned counsel for the petitioner that during the pendency of the petition of writ, the respondent No.6 has already retired from service and the petitioner has also acquired the age of superannuation and as such, now no order can be given to oust respondent No.6 from the office and to appoint the petitioner as Principal, Institute of Advance Studies in Education. The only claim according to the counsel for the petitioner now survives is for giving suitable compensation to the petitioner.

I do not find any force in the contention so raised as an order for compensation can be given only after establishment of a right of the petitioner to hold the post of Principal, Institute of Advance Studies in Education. In the instant matter even if it is assumed that the appointment of the respondent No.6 was not in accordance with law then too petitioner does not become entitle to be appointed as Principal, as his case at the most may be for consideration for appointment as Principal, Institute of Advance Studies in Education. In such circumstances no loss is caused to the petitioner that may warrant compensation.

In result, I do not find any force in the claim so made, the petition for writ is accordingly dismissed.

(GOVIND MATHUR)J.

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